

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 22-44 were originally filed and currently renumbered. New claim 23 is added to overcome the 101 rejection of non-statutory subject matter by introducing the structural/ functional interrelationship between the storage of the data and its recognition. Claims 22, 30, 31, 32, and 38 are similarly amended to overcome the 101 rejection of lack of statutory subject matter. No new matter is introduced by the amendment. Claims 22-44 remain pending.

II. Claim Rejection

A. 35 U.S.C. §101

Claims 1-21 were rejected 35 U.S.C. §101 because the claimed invention was directed at non-statutory subject matter.

In response, Applicant submits corrected specification and corrected claims that include the structural/functional interrelationship that can be implemented by a computer.

B. 35 U.S.C. §102

Franklin et al. (U.S. Patent No. 5,883,810)

Claims 1-21 were rejected under 35 U.S.C. §102(b) for alleged anticipation by Franklin et al. Applicant respectfully traverses the rejection in light of the present amendment.

In order to anticipate a claim under 35 U.S.C. §102, a prior art reference must be an enabled disclosure for the subject matter claimed. MPEP §2121. Franklin et al., discloses a computer-implemented medium that is based on the identity of the customer. Franklin et al.'s method is based on "permanent customer account number that is maintained on behalf of the customer at the issuing institution." (Please see Franklin et al. Abstract). Moreover, Franklin et al.'s invention is based on issuing a proxy number to another permanent and known account number of a known customer. This invention, however, is based on anonymous transactioning. No known and permanent account is needed. No known customer is needed. This invention is clearly distinguished from Franklin et al., in that it is based not on disclosing the name, social

security number, date of birth, or any other personal information of the user or the customer or user at any time during the transaction. It is a system that cannot be traced back to the customer or the user. Franklin et al., uses a method that allows an issuer of the account number to trace and identify the user and replace the proxy account when lost or stolen. The same is not true of this invention. Here, the method involves the issuance of medium with a pre-designated monetary value that can be purchased for a fee by any purchaser anonymously, without disclosing the identity of the purchaser. Such medium can be purchased after issuance at any retail store, grocery store, corner store, bank, or credit card institution. Thereafter, it is used anonymously, without disclosing the identity of the user (who may or may not be the purchaser of the same medium) online, offline, as a credit card, and in place of cash. The distinction in all of these transacting events is that, unless the purchaser or the user intentionally identifies himself or herself, there is no mechanism or a way within this invention to identify the purchaser or user by the issuer, seller, or counter-user.

Accordingly, Applicant respectfully request the withdrawal of the anticipation rejection based on the Franklin et al. reference.

Zampese (U.S. Patent No. 6,014,650

For the same reasons as above Zampese does not anticipate this invention. Zampese involves a method that assigns to each known and identifiable purchaser a unique account code. In addition, such unique account code is verified at the time of the transaction to make sure that the use is authorized and not fraudulent by referring to the identity of the user. None of these identification markers are used by this invention. This invention is based on the anonymous identity of the purchaser or user. In as much as a cash holder loses an opportunity to claim his/her cash upon loss, the purchaser or user of this claimed invention will similarly lose upon the loss of this claimed invention.

The risk of loss or fraud is outweighed by the need for privacy in many transactions. Accordingly, many prefer cash transactions. This invention affords to online and other users the same privacy afforded by cash transactions. This advantage is not afforded in Zampese. Moreover, Zampese assigns two codes to a purchaser, a unique account code that is

traceable to each known customer and a second purchase code to prevent reuse in a subsequent purchase. Such verification of both codes is established by referring to databases to check the purchaser's identity and verify that there was no prior use of each purchase code.

This invention is distinguishable from Zampese. Here, there is no assignment of an account code to each purchaser coupled with an assignment of secret purchase code for each purchase; there is no verification procedure of the identity of the purchaser; and there is no verification procedure of the prior use of each purchase code.

In order to anticipate a pending claim, a prior art reference must contain all elements of the claim. MPEP §2131. As amended, the pending claims are drawn to a method that is based on keeping unknown the identity of the purchaser of the pre-designated monetary means as well as the user of the same. Anonymity of the customer is not an element that was claimed or disclosed by Zampese.


As stated above, a prior art reference must have all claim elements in order to anticipate a pending claim. The pending claims, following the present amendment, are drawn to methods that are distinguishable from those of Franklin and Zampese. As such, Applicant submits that the Franklin and Zampese references do not anticipate the amended claims and the anticipation rejection on this ground should thus be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the Applicant at his home at 510-888-9511, or his cell phone at 510-303-2745.

Respectfully submitted,



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